



# *Arizona Peace Officer Standards and Training Board*

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## **MINUTES OF THE OCTOBER 16, 2019 MEETING OF THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on October 16, 2019, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

### Members Present:

Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman  
Sheriff Mark Dannels, Cochise County Sheriff's Office (via telephone)  
Ms. Jamie Kelly, Public Member  
Chief Tom Kelly, Apache Junction Police Department  
Mr. Andrew LeFevre, Grand Canyon University  
Officer Matthew Medina, Prescott Police Department (via telephone)  
Colonel Frank Milstead, AZ Department of Public Safety  
Acting Director Joe Profiri, AZ Department of Corrections  
Chief Alan Rodbell, Scottsdale Police Department

### Members Absent:

Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich  
Deputy Christopher Pittmann, Maricopa County Sheriff's Office

### Staff in Attendance:

Matt Giordano, Executive Director (via telephone)  
Ben Henry, Deputy Director  
Billy Caldwell, Compliance Specialist  
Dan Ciernia, Digital Media Supervisor  
Mike Deltenre, Compliance Specialist  
Marie Dryer, Program Administrator  
Amanda Faust, Compliance Specialist  
Steve Jacobs, Compliance Specialist  
Mike Orose, Training Supervisor  
Kip Rustenburg, Program Administrator  
Tammy Schliefer, Administrative Assistant  
Sandy Sierra, Administrative Services Officer  
Lori Wait, Compliance Specialist

Assistant Attorneys General:

Mark Brachtl

Paul Forshey

Jeanne Galvin

**A. Call to Order**

Chairman Mascher called the meeting to order at 10:00 a.m. and asked Colonel Milstead to lead everyone in reciting the Pledge of Allegiance.

**B. Introductions, Presentations and Announcements**

*Ben Henry, Deputy Director*

- New Compliance Specialist Dave Toporek was introduced. Dave is a retired deputy chief who was with the Maricopa County Sheriff's Office for 37 years.
- Also introduced was new Assistant Attorney General Paul Forshey. Paul retired from the Army as a Lieutenant Colonel and will be filling the advocacy position formerly held by Assistant Attorney General Mark Brachtl.
- Assistant Attorney General Jeanne Galvin will provide legal advice to the Board on the final action case for Collen M. Scionti 17-062.
- For the record, two Board members are not present; Assistant Attorney General Paul Ahler and Deputy Christopher Pittmann. Sheriff Dannels and Officer Medina will be participating via telephone. There are still two Board member vacancies (public member and jail administrator).
- Executive Director Matt Giordano will also be available by telephone today.
- New Cases 18-154 Robert H. Folker and 18-151 Justin L. Keeling will be tabled for further review.
- There is a modification to the Game and Fish Department Petition. Assistant Attorney General Mark Brachtl will discuss this modification when he presents the petition.
- There is also an amendment to the case overview for Final Action Case #5 Richard Moralez 19-082.

**C. Executive Director's Report**

*Ben Henry, Deputy Director*

- A short video will be presented for the Board to view in which Executive Director Giordano explains the survey that was recently emailed to all agency heads regarding potential changes to our rules. Program Administrator Kip Rustenburg has done a great job in conjunction with ASU to get this survey completed and distributed. (*due to technical difficulties the video was not shown*)
- CJEF funds were slightly higher last month, but this is normal.
- Would like to recognize Compliance Specialist Mike Orose who has done a phenomenal job getting our building up to code and maintained. He is working on updating the audio visual equipment throughout the building to ensure we have the most up-to-date equipment for law enforcement training. We will also be digitizing paper records that have been in storage, some as long as three decades. We need to ensure these records are protected and readily available. Mike has been working on all these tasks plus he will be implementing the new Leadership Training for 2020.

- Working with the National Association of School Resource Officers to hold a one and a half day training program for SROs. Due to procurement requirements, the date was delayed for this training. We are tentatively set to hold this training in November.
- Chief Steve Stahl, Maricopa Police Department, has worked tirelessly to bring Resiliency Training throughout the state. We have two upcoming classes in the valley and another one scheduled for Northern Arizona.
- The Governor’s office approved an exemption to Executive Order 2019-01. This means we can now proceed with making changes to our rules.
- Upcoming Background Investigator’s Schools will be held in Prescott and two in Tucson. The results of those classes are being seen with agency’s submitting better case work.
- Once again the survey was sent out to all agency heads; so far we have received around 40 responses. It is important that an agency submit the survey, we need to hear from you on what is important to your agency, what changes you would like to see and what are you looking for in order to hire officers for your agency.

#### **D. Consent Agenda**

Colonel Milstead made a motion to accept the Consent Agenda. The motion was seconded by Chief Rodbell and passed unanimously.

The following items were approved:

1. Minutes of the Board Meeting held on September 18, 2019.
2. Certification Waivers:

Andrew J. Custer  
Joseph W. Berriman

Flagstaff Police Department  
University of Arizona Police Department

#### **E. Review, Discussion and Possible Action on an Arizona Game and Fish Department Petition for waiver of the seven year restriction from A.A.C. R13-4-105(A)(14) for Applicant Matthew Hayes**

Assistant Attorney General Mark Brachtl addressed the Board regarding the Arizona Game and Fish Department petition for waiver of the seven year restriction from A.A.C. R13-4-105(A)(14) for Applicant Matthew Hayes. Applicant admitted to consuming edible marijuana after the age of 21 years and within the past seven years. Major Lainie Antolik, Arizona Game and Fish Department, addressed the Board to request that the petition be granted.

Colonel Milstead made a motion to grant the petition for waiver of the seven year restriction from A.A.C. R13-4-105(A)(14). The motion was seconded by Chief Rodbell and passed unanimously.

**F. Review, Discussion and Possible Action on an Arizona Corporation Commission Securities Division Petition for determination that the use of marijuana between the ages of 15-17 constitutes juvenile indiscretion under A.A.C. R13-4-105(D) for Applicant Bruce E. Jones**

Assistant Attorney General Mark Brachtl addressed the Board regarding the Arizona Corporation Commission Securities Division petition for determination that use of marijuana between the ages of 15-17 constitutes juvenile indiscretion under A.A.C. R13-4-105(D) for Applicant Bruce E. Jones. Applicant disclosed during polygraph that between the ages of 15 and 17 he had not used marijuana more than 20 to 50 times. Applicant is currently 62 years of age. Chief Investigator Gary Clapper, Securities Division, addressed the Board to request that the petition be granted.

Acting Director Profiri made a motion to find that the information submitted is sufficient for the Board to determine that the conduct constituted juvenile indiscretion and grant the petition. The motion was seconded by Chief Rodbell and passed unanimously.

**G. Final Action Cases:**

1. #18-126 – Sean R. Maas – Avondale Police Department

The Board considered comments from Assistant Attorney General Mark Brachtl, who provided a brief overview of the case and the proposed Consent Agreement. Chief Rodbell made a motion to accept the Consent Agreement, Decision and Order for a 6-month suspension of Mr. Maas' peace officer certification. The suspension shall be in effect from September 14, 2018 through March 14, 2019. The motion was seconded by Ms. Kelly and passed unanimously.

2. #17-062 – Colleen M. Scionti – Globe Police Department

The Board received independent legal advice from Assistant Attorney General Jeanne Galvin.

The Board considered comments from Assistant Attorney General Mark Brachtl, who provided a brief overview of the case and the proposed Consent Agreement, and Mr. Dan Lecavalier, attorney for Ms. Scionti. Chief Rodbell made a motion to accept the Consent Agreement, Decision and Order and suspend Ms. Scionti's peace officer certification until lapse. The motion was seconded by Colonel Milstead and passed with one nay vote recorded for Chief Kelly.

3. #19-003 – Rochelle J. Thomas – Glendale Police Department

*Ms. Kelly recused herself from this case.* The Board considered comments from Assistant Attorney General Mark Brachtl, who provided a brief overview of the case and the proposed Consent Agreement, and Ms. Kathryn Baillie, attorney for Ms. Thomas. Colonel Milstead made a motion to accept the Consent Agreement, Decision and Order for a 2-year suspension of Ms. Thomas' peace officer certification. The suspension shall be in effect from December 29, 2018 through December 29, 2020. The motion was seconded by Mr. LeFevre and passed unanimously.

4. #19-083 – Casey C. Cernak – Holbrook Police Department  
The Board considered comments from Assistant Attorney General Mark Brachtel, who provided a brief overview of the case and the proposed Consent Agreement. Chief Rodbell made a motion to accept the Consent Agreement, Decision and Order for a 12-month suspension of Mr. Cernak's peace officer certification. The suspension shall be in effect from June 1, 2019 through May 31, 2020. The motion was seconded by Chief Kelly and passed unanimously.
5. #19-081 – Richard Moralez – Winslow Police Department  
The Board considered comments from Compliance Specialist Lori Wait, who provided a brief overview of the case, and from Richard Moralez. Acting Director Profiri made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Moralez's peace officer certification. The motion was seconded by Sheriff Dannels and passed unanimously.
6. #19-132 – Michael J. Walters – Central AZ Water Conservation District  
The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Chief Rodbell made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Walters' peace officer certification. The motion was seconded by Chief Kelly and passed unanimously.

#### **H. New Charging Cases:**

1. #19-116 – Christopher J. Gavin – Phoenix Police Department  
The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Chief Rodbell made a motion to **Resolve in Future**. The motion was seconded by Colonel Milstead and passed unanimously.
2. #19-079 – Brian E. Nuckols – Phoenix Police Department  
The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Chief Kelly made a motion to close this case with **No Action with Agency Discretion**. The motion was seconded by Chief Rodbell and passed unanimously.
3. #18-154 – Robert H. Folker – Globe Police Department  
This case was tabled for further review.
4. #18-151 – Justin L. Keeling – Globe Police Department  
This case was tabled for further review.
5. #19-093 – Tyler G. Knight – Maricopa County Sheriff's Office  
The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Chief Rodbell made a motion to **Initiate Proceedings** against Mr. Knight's peace officer certification. The motion was seconded by Colonel Milstead and passed unanimously.

**I. Future Agenda Items**

There are no new items to add.

**J. Adjournment**

The meeting was adjourned at 11:12 a.m.